

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MERYL POMPONIO,  
Plaintiff,

v.

JOSE HERNANDEZ, et al.,  
Defendants.

Case No. [20-cv-07545-TSH](#)

**SECOND ORDER TO SHOW CAUSE**

On October 27, 2020, Plaintiff Meryl Pomponio filed this complaint against Jose and Graciela Hernandez, alleging violations of the ADA. As of January 26, 2021, no proof of service of the summons and complaint has been filed, and the Court therefore ordered Plaintiff to show cause why this case should not be dismissed for failure to serve within the time required by Federal Rule of Civil Procedure 4(m). ECF No. 9. In response, Plaintiff informed the Court that the parties had reached a settlement. ECF No. 10. The Court therefore discharged the show cause order and directed the parties to file a dismissal or joint status report by April 09, 2021. ECF No. 12. As no response was received by April 9, the Court extended the deadline to April 19. ECF No. 14. As there has still been no response, the Court **ORDERS** Plaintiff Meryl Pomponio to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. Plaintiff shall file a declaration by April 29, 2021. If a responsive declaration is filed, the Court shall either issue an order based on the declaration or conduct a hearing on May 13, 2021 at 10:00 a.m. by Zoom video conference. The webinar link and instructions are located at <https://cand.uscourts.gov/judges/hixson-thomas-s-tsh/>.

Notice is hereby provided that failure to file a written response will be deemed an admission that Plaintiff does not intend to prosecute, and the case may be dismissed without

prejudice. Thus, it is imperative the Court receive a written response by the deadline above.

**IT IS SO ORDERED.**

Dated: April 20, 2021

  
THOMAS S. HIXSON  
United States Magistrate Judge

United States District Court  
Northern District of California